

REMARKS

1. In response to paragraph 1 of the Office Action, Applicant acknowledges the Examiner's statement that claims 1-25 have been examined. Importantly, Applicant notes that there are, in fact, claims 1-**26**, that were presented for examination, and believes this to be a clerical error since paragraph 7 of the Office Action issued a 35 U.S.C. § 102(e) rejection for claim 26. Hence, Applicant understands that claim 26 was, in fact, examined by the Office.
2. In response to paragraph 2 of the Office Action, Applicant acknowledges the Examiner's statement of his receipt of papers and placement in the file of the same submitted under 35 U.S.C. § 119 (a)-(d).
3. In response to paragraph 3 of the Office Action, Applicant acknowledges the Examiner's objections to the filed Information Disclosure Statements. As to "citation item AD", this is a "related docket" of Applicant's as stated in the Information Disclosure Statement. Furthermore, Examiner Rutten is correct that "citation item AB" is "similar" to "citation item AD." In fact, Applicant hereby confirms that "citation item AD" is "citation item AB." Since Examiner Rutten affirmatively confirms that he has considered "citation item AB", then Applicant now confirms that Examiner Rutten has also necessarily considered "citation item AD." Accordingly, and as agreed by Examiner Rutten by phone on June 20, 2007, no further submissions or missing elements are necessary by Applicant, and the Information Disclosure Statements of record comply with the requirements for both consideration by the Office of the materials in the Information Disclosure Statements and for the timely filing of the same.
4. In response to paragraph 4 of the Office Action, Applicant has amended claims 4 and 16 as required to replace the semicolons formerly appearing in each of these original claims with periods.
5. In response to paragraph 5 of the Office Action, Applicant has amended claims 10 and 22 as required to replace the semicolons formerly appearing after "comprising" in each of these original claims with colons.

6. In response to paragraph 6 of the Office Action, Applicant acknowledges the Examiner's citation to 35 U.S.C. § 102 (e).
7. In response to paragraph 7 of the Office Action, Applicant acknowledges the Examiner's citation to Dingman *et al.* (U.S. Pat. No. 6,795,868) as forming the basis for the Office Action's rejection of Applicant's claims 1, 2, 13, 14, 25 and 26 under 35 U.S.C. § 102 (e). Applicant objects with traverse to Dingman anticipating Applicant's claims 1, 2, 13, 14, 25 and 26.

For a claim to be anticipated, Dingman must describe each element and limitation of that claim.¹ Further, Dingman "must also enable one of skill in the art to make and use the claimed invention."² Below, Applicant shows that Applicant's claim 1, and by analogy independent claims 13, 25 and 26, are not anticipated by Dingman as a matter of law.

First, the Office asserts Dingman's FIG. 4 as the sole anticipatory basis for the preamble of claim 1. Dingman describes FIG. 4 as "a flow chart of a data transformation method according to an embodiment of the present invention." Col. 7, ll. 31-32. Turning to FIG. 4, itself, five blocks are shown. As found in Dingman's specification:

FIG. 4 is a high level flow chart that depicts the basis process for data transformation ... Generally, in the illustrative embodiment, the order of steps 400, 410, 420 and 430 is generally not relevant. As shown, to perform data transformation, a source must be defined 400, a transformation map must be defined 420, event actions must be specified 430, and then the actual transformation 500 is executed. Col. 11, ll. 35-43.

Clearly, Dingman's FIG. 4, and its specification describing this mere flow chart, completely fails to describe "a plurality of coupled data transformation modules", a limitation found in Applicant's claim 1's preamble. Accordingly, and as a matter of law, since Dingman does not describe claim 1's limitation of "a plurality of coupled data transformation modules",

¹ *C.R. Bard, Inc. v. M3 Systems, Inc.*, 157 F.3d 1340, 1349 (Fed. Cir. 1998); *Celeritas Techs. Ltd. v. Rockwell Intl. Corp.*, 150 F.3d 1354, 1360 (Fed. Cir. 1998).

² *Bristol-Myers Squibb Co. v. Ben Venue Laboratories, Inc.*, 246 F.3d 1368, 1374 (Fed. Cir. 2001)(quoting *In re Donohue*, 766 F.2d 531, 533 (Fed. Cir. 1985).

then Dingman does not anticipate Applicant's claim 1, and Applicant respectfully requests withdraw of the § 102 (e) rejection.

Second, the Office asserts Dingman's FIG. 2, element 210 and column 9 lines 20-25 as the sole anticipatory basis for claim 1's first element and its many limitations. According to its specification, Dingman's element 210 is a "map designer" that "provides an interface that permits a user 10 to specify relationships..." Col. 9, ll. 20-25. Nowhere at the foregoing citations does Dingman describe claim 1's element of "*generating* a first transformation module."

As further proof, "*generating* a first transformation module" is by transformation editors in Applicant's invention. The sixth paragraph under the "Detailed Description of the Embodiment" in Applicant's specification, states: "Referring to Figures 1 and 2, the transformation modules 18 created by both of these transformation editors 14,16 are stored in files in the memory 200 of the data processing system 20. There can be one or more data transformation modules 18 in memory 200." So, Dingman, at the cited sections, neither facially describes "generating a first transformation module", nor, upon further investigation into Applicant's specification, describes the "*generating*" element as being created by "transformation editors." Thus, the plain language of Applicant's claim 1 and disclosure as compared to the Office's cited sections of Dingman show that Dingman does not anticipate the first element of Applicant's claim 1.

Even further though, Dingman at the cited sections does not describe *any* of the following limitations in Applicant's first claim element: "the plurality of transformation modules"³, "the first module", and "a module type of a set of module types including a language constructed module type and a visually constructed module type." Given the foregoing failure of Dingman to describe the "generating" element and at least three of its limitations, it

³ "[T]he plurality of transformation modules" is a limitation found in both Applicant's preamble and its first claim element of "generating". To the extent that the Office views the preamble as having little or no patentable weight, then Applicant asserts that Dingman's failure to describe "the plurality of transformation modules" limitation still provides a basis for withdrawal of the anticipation rejection of Applicant's claim 1.

is clear that Dingman does not anticipate Applicant's claim 1. As a result, Applicant respectfully requests withdraw of the § 102 (e) rejection.

Third, the Office asserts Dingman's column 9 lines 30-31 and 49-56 as the sole anticipatory basis for claim 1's second element and its many limitations. At these sections of Dingman, there is no description of Applicant's claim 1's second element, namely, "*extracting* reference information", much less from this element's limitations of "from the first module" "for accessing the first module", and "when stored in memory." Furthermore, the Office makes no argument to support its conclusion that Applicant's "*extracting*" element is shown at the cited sections of Dingman. Instead, at the cited sections, Dingman describes "metadata may also be generated and stored with each transformation map stored in transformation map repository 214." None of this describes Applicant's second claim element of "*extracting*" or any of its three limitations. As a result, Applicant has provided additional and alternative reasoning to further support withdrawal of the § 102 (e) rejection based on Dingman.

Finally, the Office asserts Dingman's column 9 lines 49-56 as the sole anticipatory basis for claim 1's third element and its many limitations. Notably, these are the same lines, less two, that also form the sole anticipatory basis for claim 1's second element and its many limitations. Regardless, at these sections of Dingman, there is neither a description of Applicant's claim 1's third element, namely, "*updating* a module registry", nor its limitations of "to include a first entry corresponding to the reference information of the first module", "the module registry configured for having reference information entries" and "extracted from both the language constructed modules and visually constructed modules." Furthermore, Applicant's claim 1, at the third element or elsewhere, has no "metadata...store with each transformation map" as suggested by the Office to support its anticipation rejection. And, contrary to the Office Action, Dingman does not have both "visual and language construction" modules generated from transformation editors as does Applicant. Once again, Applicant has provided additional and alternative reasoning to support withdrawal of the § 102 (e) rejection based on Dingman.

As the foregoing overwhelmingly shows, independent claim 1 is not anticipated by Dingman under § 102 (e). Any and all claims depending from independent claim 1 are also not anticipated.⁴ By the same analogy used by the Office in rejecting independent claims 13, 25, and 26, these independent claims are also neither anticipated by Dingman under § 102 (e) nor are any of the claims depending therefrom.⁵

8. In response to paragraph 8 of the Office Action, Applicant acknowledges the Examiner's citation to 35 U.S.C. § 103 (a).
9. In response to paragraph 9 of the Office Action, Applicant acknowledges the Examiner's citation to Dingman *et al.* (U.S. Pat. No. 6,795,868) as applied to claims 2 and 14, and further in view of Dutta *et al.* (U.S. Pat. No. 6,993,476) as forming the basis for the Office Action's rejection of Applicant's claims 3-6 and 15-18 under 35 U.S.C. § 103 (a). Applicant objects with traverse to Dingman as applied to claims 2 and 14, and further in view of Dutta, as rendering obvious Applicant's claims 3-6 and 15-18. Applicant notes that it appreciates Examiner Rutten clarifying by phone on June 20, 2007 that the Office does not consider Dingman, alone, as rendering obvious claims 2 and 14; instead, the Office is merely importing rejection arguments from prior paragraphs in the Office Action in regards to Dingman for claims 2 and 14 in its obviousness rejections solely for claims 3-6 and 15-18 in this paragraph based on both Dingman and Dutta.

In addition to the foregoing, claim-specific traverse, Applicant agrees that Dutta, alone, does not render any of Applicant's claims obvious. Further, Applicant also agrees that neither Dingman nor Dutta, when viewed alone or together, renders any of Applicant's claims obvious that is inconsistent with any of the foregoing Remarks under this paragraph 9 and that does not concern claims 12 and 24. Further still, since paragraph 7 of the Remarks herein shows that all of Applicant's independent claims, namely claims 1, 13, 25 or 26, are not anticipated by Dingman, and since the Office admits that Dingman does not render any of Applicant's independent claims as obvious, then Applicant's claims 3-6 and 15-18 are not

⁴ *In re Fine*, 837 F.2d 1071, 1076 (Fed. Cir. 1988)(if independent claim is allowable, then so are the dependent claims).

⁵ *Id.*

obvious under Dingman even in view of Dutta⁶ Accordingly, Applicant respectfully requests withdrawal of the obviousness rejections for claims 3-6 and 15-18 as a matter of law.

10. In response to paragraph 10 of the Office Action, Applicant acknowledges the Examiner's citation to Dingman *et al.* (U.S. Pat. No. 6,795,868) as applied to claims 1 and 13, and further in view of Caron *et. al.* (U.S. Pat. No. 5,586,328) as forming the basis for the Office Action's rejection of Applicant's claims 7-9, 11, 19-21, and 23 under 35 U.S.C. § 103 (a). Applicant objects with traverse to Dingman as applied to claims 1 and 13, and further in view of Caron, as rendering obvious Applicant's claims 7-9, 11, 19-21, and 23. Applicant notes that it appreciates Examiner Rutten clarifying by phone on June 20, 2007 that the Office does not consider Dingman, alone, as rendering obvious, claims 1 and 13; instead, the Office is merely importing rejection arguments from prior paragraphs in the Office Action in regards to Dingman for claims 1 and 13 in its obviousness rejections solely for claims 7-9, 11, 19-21, and 23 in this paragraph based on both Dingman and Caron.

In addition to the foregoing, claim-specific traverse, Applicant agrees that Caron, alone, does not render any of Applicant's claims obvious. Further, Applicant also agrees that neither Dingman nor Caron, when viewed alone or together, renders any of Applicant's claims obvious that is inconsistent with any of the foregoing Remarks under this paragraph 10 and that does not concern claims 12 and 24. Further still, since paragraph 7 of the Remarks herein shows that all of Applicant's independent claims, namely claims 1, 13, 25 or 26, are not anticipated by Dingman, and since the Office admits that Dingman does not render any of Applicant's independent claims as obvious, then Applicant's claims 7-9, 11, 19-21, and 23 are obvious under Dingman even in view of Caron.⁷ Accordingly, Applicant respectfully requests withdrawal of the obviousness rejections for claims 7-9, 11, 19-21, and 23 as a matter of law.

11. In response to paragraph 11 of the Office Action, Applicant acknowledges the Examiner's citation to Dingman *et al.* (U.S. Pat. No. 6,795,868) and Caron *et. al.* (U.S. Pat. No.

⁶ *Id.*

⁷ *Id.*

5,586,328) as applied to claims 9 and 21, and further in view of Chen-Kuang (U.S. Pat. No. 6,243,859) as forming the basis for the Office Action's rejection of Applicant's claims 10 and 22 under 35 U.S.C. § 103 (a). Applicant objects with traverse to Dingman and Caron as applied to claims 9 and 21, and further in view of Chen-Kuang, rendering obvious Applicant's claims 10 and 22.

In addition to all of the foregoing, including the claim-specific traverse, Applicant agrees that Chen-Kuang, alone, does not render any of Applicant's claims obvious. Further, Applicant also agrees that Dingman, Caron, and Chen-Kuang, when viewed alone or together, do not render any of Applicant's claims obvious that is inconsistent with any of the foregoing Remarks under this paragraph 11 and does not concern with claims 12 and 24. Further still, since paragraph 7 of the Remarks herein shows that all of Applicant's independent claims, namely claims 1, 13, 25 or 26, are not anticipated by Dingman, and the Office admits that Dingman does not render any of Applicant's independent claims as obvious, then Applicant's claims 10 and 22 are not obvious under Dingman even in view of Caron and/or Chen-Kuang.⁸ Accordingly, Applicant respectfully requests withdrawal of the obviousness rejections for claims 10 and 22 as a matter of law.

12. In response to paragraph 12 of the Office Action, Applicant acknowledges the Examiner's citation to Dingman *et al.* (U.S. Pat. No. 6,795,868) as applied to claims 2 and 14 as forming the basis for the Office Action's rejection of Applicant's claims 12 and 24 under 35 U.S.C. § 103 (a). Applicant objects with traverse to Dingman rendering obvious Applicant's claims 12 and 24.

In addition to the foregoing, claim-specific traverse, Applicant agrees that Dingman does not render any of Applicant's other claims obvious. Further, since paragraph 7 of the Remarks herein shows that all of Applicant's independent claims, namely claims 1, 13, 25 or 26, are not anticipated by Dingman, and the Office admits that Dingman does not render any of Applicant's independent claims as obvious, then Applicant's dependent claims 12 and 24 are

⁸ *Id.*

not rendered obvious by Dingman.⁹ Accordingly, Applicant respectfully requests withdrawal of the obviousness rejections as to claims 12 and 24 as a matter of law.

13. In response to paragraph 13 of the Office Action, no response is due. Again, Applicant expresses its gratitude for Examiner Rutten's telephone conversation, as discussed above, with Applicant's undersigned attorney on June 20, 2007.

Additional Remarks

Applicant has amended claim 20 to correct a typo by replacing "method" formerly appearing in this original, dependent system claim with "system".

⁹ *Id.*

CONCLUSION

Based on the foregoing amendments to claims, the remarks, and telephonic discussion with Examiner Rutten, Applicant respectfully submits that the instant application is now in condition for allowance. Applicant invites the Office to freely reach Applicant's attorney using the contact information found in his signature block below.

Respectfully submitted,

Date: July 6, 2007

/Erik J. Osterrieder/
Erik J. Osterrieder
Reg. No. 48,966
Schubert Osterrieder & Nickelson PLLC
6013 Cannon Mtn. Dr., S14
Austin, TX 78749
Tel: (713) 533-0494
Fax: (512) 301-7301
E-mail: ejo@sonlaw.com
ATTORNEY FOR APPLICANT/ASSIGNEE